

THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW JUDGE DIVISION

HONORABLE JUDGE RALPH K. ANDERSON III.
DOCKET # 00-ALJ-07-0357-CC

Launeil Sanders ProSe
PETITIONER/Plaintiff
VS.

South Carolina Department of Health and Environmental Control
International Paper Corporation, Georgetown, South Carolina (NPDES PERMIT #
SC0000868)
Respondents

**"AFFIDAVIT OF LAUNEIL SANDERS IN SUPPORTING THAT DUE TO
EMPLOYMENT RESPONSIBILITIES I WILL BE OUT OF STATE OF SOUTH
CAROLINA FROM APPROX JULY 15, 2000 , TIL AUGUST 26, 2000 , AS
DETAILED IN PREHEARING STATEMENT "**

That petitioner , Launeil "Neil" Sanders, does hereby file this " AFFIDAVIT"

1. Nature of Employment Responsibilities in that I , Launeil Sanders , will be out of town and out of South Carolina from approx July 15, 2000 , to August 26, 2000. That I will be in Salt Lake City , Utah , area and would not be available to appear before Judge Anderson III 's Court until shortly after Labor Day 2000.
2. However, I want to communicate to Judge Anderson III , to DHEC counsel Robert G. McCulloch , and to International Paper's representative that the two gallon samples requested in the said "Prehearing Statements " might be supplied in late July or August 2000.
3. That plaintiff is not aware who is International Paper's water treatment vendor/Supplier for the Georgetown Mill , but I am willing to work with them and DHEC's ESD Laboratories in coordinating the preliminary analytical tests which would be the same as what will be performed at Judge Anderson's Court at the adjudicatory hearing.
4. Thus, all concerned parties may contact me by telephone at (864) 515-9788 , fax at (864) 515-9788 or email at colonel_launeilsanders@hotmail.com or at a second email address : colonel_launeilsanders@yahoo.com

STATE SOUTH CAROLINA

COUNTY SPARTANBURG

THAT LAUNEIL SANDERS , AFTER FIRST BEING DULY SWORN,
DEPOSES AND SAYS THAT HE IS THE AUTHOR , Petitioner , IN THE FOREGOING
ACTION , THAT HE HAS READ THE FOREGOING ARTICLES , AND KNOWS THE
CONTENTS THEREIN TO BE TRUE TO HIS BEST KNOWLEDGE EXCEPT FOR
THOSE MATTERS AND THINGS THEREIN ALLEGED THEREIN UPON
INFORMATION AND BELIEF ,AS FOR THOSE MATTERS AND THINGS HE BELIEVES
THE SAME TO BE TRUE.

RESPECTFULLY SUBMITTED THIS THE 10 DAY OF July , 2000.

Launeil Sanders

LAUNEIL SANDERS , Petitioner
2206 CANAAN POINTE DRIVE
SPARTANBURG, SOUTH CAROLINA 29306
• Telephone (864) 515-9788 FAX (864) 515--9788
Email : colonel_launeilsanders@hotmail.com

SWORN TO AND SUBSCRIBED BEFORE ME THIS 10th

DAY OF July , 2000.

Arthur D. Hyslop
NOTARY PUBLIC South Carolina
MY COMMISSION EXPIRES 9-16-2006

THE STATE OF SOUTH CAROLINA
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Respondents

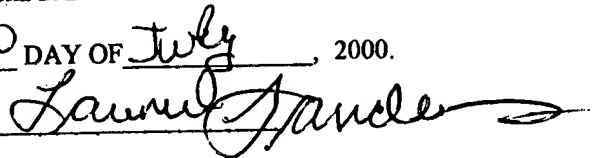
PROOF OF SERVICE

THIS IS TO CERTIFY THAT LAUNEIL SANDERS HAS THIS DAY SERVED AT THE ADDRESS
BELOW AND IN ABOVE ACTION A COPY OF PLEADING ETC. BY HAND DELIVERY OR BY
DEPOSIT IN U.S.MAIL A COPY OF SAME IN PROPERLY ADDRESSED ENVELOPE WITH
ADEQUATE POSTAGE IN MANNER PRESCRIBED BY S.C. RULES OF CIVIL PROCEDURES.

Robert G. McCulloch, Esq
Attorney for SCDHEC
2600 Bull Street
Columbia, S.C. 29201
(803) 898-3350
FAX (803) 898-3367
Counsel for RESPONDENTS

International Paper Corporation ; NPDES Permit # SC0000868
P.O. Box 1690
Georgetown, South Carolina 29201

DONE THIS THE 10 DAY OF July, 2000.


Launeil "Neil" Sanders
2206 Canaan Pointe Drive
SPARTANBURG, S.C. 29306
(864)515-9788 FAX (864)515-9788 Petitioner/PRO SE LITIGANT ;
email Colonel_launeilsanders@HotMail.com

CC- Honorable David Wilkins, S. C. Speaker of House S. C. House of Representatives, 1105 Pendleton
Street, 508 Platt Building, Columbia, S.C. 29201

dd- Honorable John Drummond, S. C. Pro Tempore of Senate, S. C. Senate, 111 P Gessette, ,
Columbia, S.C. 29202

ee- Honorable S. C Attorney General Charles Condon, Office of S. C. Attorney General, P. O. Box
11549, Columbia, S. C. 29211

ff- Friends of Earth

§ 1.110 Inventorship and date of invention of the subject matter of individual claims.

When more than one inventor is named in an application or patent, the Patent and Trademark Office, when necessary for purposes of an Office proceeding, may require an applicant, patentee, or owner to identify the inventive entity of the subject matter of each claim in the application or patent. Where appropriate, the invention dates of the subject matter of each claim and the ownership of the subject matter on the date of invention may be required of the applicant, patentee or owner. See also §§ 1.78(c) and 1.130.

[50 FR 9381, Mar. 7, 1985, effective date May 8, 1985; revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996]

ACTION BY APPLICANT AND FURTHER CONSIDERATION

§ 1.111 Reply by applicant or patent owner.

(a) After the Office action, if adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply thereto and may request reconsideration or further examination, with or without amendment.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the

amendments avoid such references or objections. (See §§ 1.135 and 1.136 for time for reply.)

[46 FR 29182, May 29, 1981; para. (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.112 Reconsideration before final action.

After reply by applicant or patent owner (§ 1.111) to a non-final action, the application or patent under reexamination will be reconsidered and again examined. The applicant or patent owner will be notified if claims are rejected, or objections or requirements made, in the same manner as after the first examination. Applicant or patent owner may reply to such Office action in the same manner provided in § 1.111, with or without amendment, unless such Office action indicates that it is made final (§ 1.113).

[46 FR 29182, May 29, 1981; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicant's or patent owner's reply is limited to appeal in the case of rejection of any claim (§ 1.191), or to amendment as specified in § 1.116. Petition may be taken to the Commissioner in the case of objections or requirements not involved in the rejection of any claim (§ 1.181). Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.

(b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.

[24 FR 10332, Dec. 22, 1959; 46 FR 29182, May 29, 1981; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

AMENDMENTS

§ 1.115 [Reserved]

[46 FR 29183, May 29, 1981; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.116 Amendments after final action or appeal.

(a) After a final rejection or other final action (§ 1.113), amendments may be made cancelling claims or

MANUAL OF PATENT EXAMINING PROCEDURE

§ 1.124

§ 1.124 [Reserved]

[Removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.125 Substitute specification.

(a) If the number or nature of the amendments or the legibility of the application papers renders it difficult to consider the application, or to arrange the papers for printing or copying, the Office may require the entire specification, including the claims, or any part thereof, be rewritten.

(b) A substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by:

(1) A statement that the substitute specification includes no new matter; and

(2) A marked-up copy of the substitute specification showing the matter being added to and the matter being deleted from the specification of record.

(c) A substitute specification submitted under this section must be submitted in clean form without markings as to amended material.

(d) A substitute specification under this section is not permitted in a reissue application or in a reexamination proceeding.

[48 FR 2712, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.126 Numbering of claims.

The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled the remaining claims must not be renumbered. When claims are added, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not). When the application is ready for allowance, the examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant.

[32 FR 13583, Sept. 28, 1967; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.127 Petition from refusal to admit amendment.

From the refusal of the primary examiner to admit amendment, in whole or in part, a petition will be granted by the Commissioner under § 1.181.

TRANSITIONAL PROVISIONS

§ 1.129 Transitional procedures for limited reissue after final rejection and restriction.

(a) An applicant in an application, other than a reissue or a design patent, that has been pending for at least two years as of June 8, 1995, taking into account any amendment made in such application to any earlier filed application under 35 U.S.C. 120, 121 and 365(c), which has had a first submission entered and considered on its merits after final rejection under the following circumstances: The Office will consider such a submission, if the submission and the fee set forth in § 1.17(r) are filed prior to the filing of an appeal brief and prior to abandonment of the application. The finality of the final rejection is automatically withdrawn upon the timely filing of the appeal and payment of the fee set forth in § 1.17(r). If a final rejection is made in the application, applicant is entitled to have a second submission entered and considered on its merits after the subsequent final rejection under the following circumstances: The Office will consider such a submission, if the second submission and a second fee set forth in § 1.17(r) are filed prior to the filing of an appeal brief and prior to abandonment of the application. The finality of the subsequent final rejection is automatically withdrawn upon the timely filing of the appeal and payment of the second fee set forth in § 1.17(r). A submission filed after a final rejection made in an application subsequent to the fee set forth in § 1.17(r) but before the second fee set forth in § 1.17(r) is paid will be treated as set forth in § 1.116. The term "submission" as used in this paragraph includes, but is not limited to, an information disclosure statement, an amendment, a written description, claims or drawings and a new inventive argument or new evidence in support of patentability.

(b)(1) In an application, other than for a reissue or a design patent, that has been pending for at least two years as of June 8, 1995, taking into account any amendment made in the application to any earlier filed application under 35 U.S.C. 120, 121 and 365(c), no requirement for the filing of divisional applications shall be maintained in the application after June 8, 1995, where:

(i) The requirement was first imposed in the application or any earlier filed application under 35 U.S.C. 120, 121 and 365(c) prior to April 8, 1995.

complying with any requirement of form expressly set forth in a previous Office action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. The admission of, or refusal to admit, any amendment after final rejection, and any related proceedings, will not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135.

(b) If amendments touching the merits of the application or patent under reexamination are presented after final rejection, or after appeal has been taken, or when such amendment might not otherwise be proper, they may be admitted upon a showing of good and sufficient reasons why they are necessary and were not earlier presented.

(c) No amendment can be made as a matter of right in appealed cases. After decision on appeal, amendments can only be made as provided in § 1.198, or to carry into effect a recommendation under § 1.196.

[24 FR 10332, Dec. 22, 1959; 46 FR 29183, May 29, 1981; para. (a) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.117 [Reserved]

[Removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.118 [Reserved]

[48 FR 2712, Jan. 20, 1983, effective Feb. 27, 1983; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.119 [Reserved]

[32 FR 13583, Sept. 28, 1967; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

§ 1.121 Manner of making amendments.

(a) *Amendments in nonprovisional applications, other than reissue applications:* Amendments in nonprovisional applications, excluding reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

(1) *Specification other than the claims.* Except as provided in § 1.125, amendments to add matter to, or delete matter from, the specification, other than to the claims, may only be made as follows:

(i) Instructions for insertions: The precise point in the specification must be indicated where an inser-

tion is to be made, and the matter to be inserted must be set forth.

(ii) Instructions for deletions: The precise point in the specification must be indicated where a deletion is to be made, and the matter to be deleted must be set forth or otherwise indicated.

(iii) Matter deleted by amendment can be reinstated only by a subsequent amendment presenting the previously deleted matter as a new insertion.

(2) *Claims.* Amendments to the claims may only be made as follows:

(i) Instructions for insertions and deletions: A claim may be amended by specifying only the exact matter to be deleted or inserted by an amendment and the precise point where the deletion or insertion is to be made, where the changes are limited to:

(A) Deletions and/or

(B) The addition of no more than five (5) words in any one claim; or

(ii) Claim cancellation or rewriting: A claim may be amended by directions to cancel the claim or by rewriting such claim with underlining below the matter added and brackets around the matter deleted. The rewriting of a claim in this form will be construed as directing the deletion of the previous version of that claim. If a previously rewritten claim is again rewritten, underlining and bracketing will be applied relative to the previous version of the claim, with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number. The original claim number followed by that parenthetical expression must be used for the rewritten claim. No interlineations or deletions of any prior amendment may appear in the currently submitted version of the claim. A claim canceled by amendment (not deleted and rewritten) can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

(3) *Drawings.*

(i) Amendments to the original application drawings are not permitted. Any change to the application drawings must be by way of a substitute sheet of drawings for each sheet changed submitted in compliance with § 1.84.

(ii) Where a change to the drawings is desired, a sketch in permanent ink showing proposed changes in red, to become part of the record, must be filed for approval by the examiner and should be in a separate paper.

(4) [Reserved]

(5) The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspon-

STATE SOUTH CAROLINA

COUNTY SPARTANBURG

THAT INVENTOR, LAUNEIL (NM NAME) "NEIL" SANDERS , AFTER FIRST BEING DULY SWORN,
AFFIRMS AND DECLARES HE IS SAID ONLY INDIVIDUAL SOLE INVENTOR OF SAID
" Raw Influent Treatment Processes Eliminating Secondary Biological Treatment " PATENT APPLICATION #
09/289,723 WITH ORIGINAL APPLICATION FILED and received by U. S. Patent and Trademark Office on
April 12 , 1999.

THAT LAUNEIL SANDERS IS SMALL ENTITY AND FORM PTO/SB/09 , STATEMENT CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9 (f) & 1.27 (b)) -INDEPENDENT INVENTOR IS ATTACHED.

THAT I AM SOLE INVENTOR AND THAT NO OTHER PERSONS NOR ANYONE HAS WORKED WITH
ME OR PARTICIPATED TO DEVELOP THIS SAID PATENT AND PATENT APPLICATION APPLIED
FOR AND FILED THIS SAID DATE BELOW. THAT I, LAUNEIL SANDERS, AM U.S. BORN CITIZEN.

And that I , Launeil Sanders , did perform this work on my own time and was not hired by Boise cascade to
develop such patent ; additionally as inventor understands law that Boise would possess certain shop rights and
could request all their operations to obtain priority use first . That inventor is aware that none of Boise Cascade is
utilizing this said proces for which this patent application # 09/289,723 is submitted.

RESPECTFULLY SUBMITTED THIS THE ____ DAY OF _____ , _____.

LAUNEIL SANDERS

SOLE INDIVIDUAL INVENTOR, SMALL ENTITY STATUS

2206 CANAAN POINTE DRIVE

SPARTANBURG,S.C. 29306

PHONE (864)515-9788

FAX (864)515-9788 EMAIL: colonel_launeilsanders@hotmail.com

SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____ , _____.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW JUDGE DIVISION**

Launeil "Neil" Sanders,

Petitioner,

vs.

South Carolina Department of Health and
Environmental Control and International Paper
Corporation,

Respondents.

Docket No. 00-ALJ-07-0357-CC

NOTICE OF HEARING

IT IS HEREBY ORDERED that this action will be heard on the merits before the Honorable Ralph K. Anderson, III, Administrative Law Judge, at **10:00 a.m. on Tuesday, October 17, 2000**, at the Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

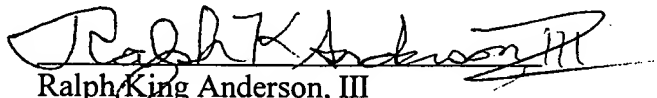
1. This hearing will be conducted in accordance with the Rules of Procedure of the Administrative Law Judge Division, a copy of which is available from the Clerk of the Division.
2. Unless otherwise determined by the Administrative Law Judge, the hearing will proceed as follows:
 - a. Call of the case;
 - b. Motions and other preliminary matters such as stipulations, agreements, or consent orders to be entered into the record;
 - c. Opening statements, not to exceed ten (10) minutes, with the party requesting the contested hearing proceeding first;
 - d. Presentation of evidence;
 - e. Final arguments, not to exceed fifteen (15) minutes, with the party requesting the contested hearing opening and closing.
3. All parties are notified to bring to the hearing all documents, records and witnesses needed to present the party's case. **NOTE: IF SPECIAL EQUIPMENT IS REQUIRED FOR THE PRESENTATION OF EVIDENCE, THE PARTY PRESENTING THE EVIDENCE IS RESPONSIBLE FOR OBTAINING THE EQUIPMENT AND ITS CUSTODY.**

FILED

JUL 21 2000

ADMIN. LAW

4. Subpoenas are available to the parties pursuant to SC Code Ann. § 1-23-320(d) (Supp. 1993) and the rules of the Division, to compel the attendance of witnesses or for the production of documents at the hearing. The parties are responsible for service of subpoenas.
5. A party may represent himself or may be represented by an attorney at the hearing. An attorney representing a party must file a Notice of Appearance within ten (10) days of service of this Notice, unless previously filed with the Division.
6. TAKE NOTICE THAT A FAILURE TO APPEAR AT THE HEARING MAY RESULT IN:
 - a. A finding that the party who fails to appear does not object to the relief of which notice has been given;
 - b. Dismissal of the case or striking of the pleading of the party who fails to appear;
 - c. Exclusion of evidence proffered by the party who fails to appear; or
 - d. Such other rulings as are deemed appropriate by the Administrative Law Judge.
7. Continuances will be granted only when extraordinary circumstances exist. Parties may request continuances no later than 24 hours prior to the scheduled hearing date.
8. In case of settlement or dismissal, failure of the parties to inform the Court prior to the scheduled hearing that the hearing is not necessary may result in imposition of Court costs and Court Reporter fees against the parties.


Ralph King Anderson, III
Administrative Law Judge

July 21, 2000
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 21st day of July, 2000
By Elizabeth L. Boon
Judicial Law Clerk